

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LEONY DAVID MAZUETA MUNOZ,  
CINDY E. BRITO REYES, and ELVIN  
ALCANTARA RODRIGUEZ,

Plaintiffs,

-against-

640, LLC and JASON FEINMAN,

Defendants.  
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**JOINT PRETRIAL ORDER**

1:19-cv-5751 (BMC)

The parties having conferred among themselves and with the Court pursuant to Federal Rule of Civil Procedure 16, the following statements, directions and agreements are adopted as the Pretrial Order herein.

**Trial Counsel**

Zachary S. Rozenberg, Esq. for the Plaintiffs

Todd A. Rossman, Esq. for the Defendants

**Jurisdiction**

This case was removed to this court by the Defendants based on diversity. 28 U.S. 1332. Defendant, 640, LLC, is a company formed in New Jersey with its principal place of business in New Jersey. Defendant, Jason Feinman, also resides in New Jersey. In addition, the three Plaintiffs were seriously injured as a result of this accident and have made a \$1,500,000 settlement demand.

**Claims and Defenses to be Tried**

This matter involves a motor vehicle accident that took place on October 12, 2018 on the Grand Central Parkway in Queens, New York. Plaintiffs contend that they were seriously injured as a result of this rear end collision. Defendants contend Plaintiff, Munoz, suddenly stopped short on the highway with no vehicles in front of his with the intent to cause this accident. Defendants also contend Plaintiffs were not injured as a result and underwent unnecessary treatment that was not causally related to the accident.

**Jury/Non-Jury**

The case is to be tried before a jury and is estimated to take 5-7 days.

**Trial Before Magistrate Judge**

The parties do not consent to trial before a Magistrate Judge.

**Stipulations**

The parties agree only that a motor vehicle incident occurred between them on October 12, 2018 on the Grand Central Parkway in Queens, New York.

**Witnesses**

A list of witnesses intended to be called, with a brief summary of each witness' relation to the case and intended testimony. In addition, a table listing the basis for any objection to a witness' testimony. The table shall look like this:

<b>Witness Name</b>	<b>Objection</b>	<b>Basis for Objection</b>
Jason Feinman – Defendant/Driver	None	None
Aman Gupta, Ph.D. - Biomechanical and Accident Reconstruction Expert		
Dr. Jeffrey Klein – Defense Medical Expert		
Leony David Mazueta Munoz – Plaintiff/driver		
Cindy E. Brito Reyes- Plaintiff/passenger		
Elvin Alcantara Rodriguez – Plaintiff/passenger		
Dr. Dante Leven Plaintiffs' Medical expert		
Dr. Jinghui Xie – Plaintiffs' Medical expert		
Dr. Paul Ivancic Ph.d – Plaintiffs' Biomechanical		

expert		
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### **Deposition Transcripts**

Deposition transcripts of the parties will be submitted to the court. However, we anticipate live testimony from all parties at trial.

### **Exhibits**

A table containing a list of exhibits intended to be offered, and any objections. The table should also indicate exhibits to which no party objects on grounds of authenticity and exhibits to which no party objects on any grounds. All exhibits must be pre-marked in the order in which they are expected to be used (using numerals for plaintiff's exhibits and letters for defendant's exhibits). At the time of filing the Pretrial Order, the parties will simultaneously deliver to Chambers a set of exhibits and deposition testimony to which objection has been made in this Pretrial Order so that the Court can rule on the objections at the conference to the extent practicable. The table shall look like this:

<b>Exhibit</b>	<b>Objection</b>	<b>Basis for Objection</b>
1. Medical Records	None	
2. Surgical Photos	None	
3. Photos of the incident scene	None	
4. Photos of Plaintiffs' vehicle at the incident scene	None	

See the admonition under "Witnesses" above with regard to over designation. The same rule applies regarding exhibits.

### **Relief Sought**

The Plaintiffs seek monetary relief. The Defendants seek dismissal.

**SO ORDERED.**

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U.S.D.J.

Dated: Brooklyn, New York  
2021